

GUARDIANSHIP

3

Get a Permanent Appointment for an Adult

Part 3: Preparing for and Attending
the Court Hearing
(Instructions Packet)

SELF SERVICE CENTER

GUARDIANSHIP

GET A PERMANENT APPOINTMENT FOR AN ADULT

Part 3: Preparing for and Attending the Court Hearing (Instructions Only)

This packet contains instructions for preparing and attending the court hearing to get a permanent appointment for guardianship for an adult. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	PBGA8it	Table of instructions in this packet	1
2	PBGA80p	Procedures: Preparing for the Court Hearing	2

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PROCEDURES: PREPARING FOR THE COURT HEARING GUARDIANSHIP OF AN ADULT

STEP 1 Documents to prepare before the Court Hearing:

- A. PHYSICIAN REPORT:** The Petitioner must be sure the physician who was named in the Petition and named in the Order examines the person who allegedly needs a guardian. The physician must give to the Petitioner a written report of the examination. After the Petitioner receives the examination report, the Petitioner must:
- Make at least **4 copies** of this report. (The Petitioner should keep a copy of the report).
 - At least **10 business days** before the court hearing, the Petitioner must **mail or hand-deliver** a copy of this physician's written report to:
 - 1) The Judge/Commissioner who will hold the hearing;
 - 2) The attorney for the person you say needs the guardian; **AND**
 - 3) The court investigator.
- B. ORDER TO GUARDIAN:** The Petitioner must read and sign the document called ORDER TO GUARDIANS. This document contains the basic set of instructions about what the duties are of guardians.
- Petitioner must sign this Order in the **acknowledgement** section, and make **2 copies** of the Order with your signed **acknowledgement**.
 - At least **10 business days** before the hearing, mail or hand-deliver the **original and a copy** to the Judge/Commissioner who will hold the hearing.

Note: Remember the Petitioner should keep one copy of each of the papers filed with the Court.

C. ORDER OF APPOINTMENT OF PERMANENT GUARDIAN:

- Complete the caption of the Order. The caption, which is in the top left-hand corner, includes information about the Petitioner, the name of the ward, and the case number.
- The Judge/Commissioner will sign this Order after the hearing if he or she agrees that a guardian should be appointed. The Judge/Commissioner will fill in the rest of the Order at the hearing.
- At least **10 business days** before the hearing, mail or hand-deliver the **original and a copy** to the Judge/Commissioner who will hold the hearing.

Note: Be sure you write the **court case number and the hearing date/time/place** on the PHYSICIAN REPORT, ORDER TO GUARDIANS, **and** ORDER OF APPOINTMENT OF PERMANENT GUARDIAN.

D. OTHER DOCUMENTS FOR THE JUDGE BEFORE THE HEARING: In addition to the **3 documents** listed above, you also need to **mail or hand-deliver** to the Judge/Commissioner who will hear the case the following documents at least **10 business days** before the hearing:

- NOTICE OF HEARING (conformed copy);
- PROOF OF NOTICE (conformed copy); **AND**
- WAIVER OF NOTICE (if applicable) -- signed by interested person (conformed copy)

STEP 2 Other things to know for the Court Hearing:

A. COURT REPORTER AND/OR INTERPRETER: If you need a court reporter, inform the staff at Probate Court Administration (602-506-3668) at least **10 days** before the scheduled hearing, that you need an interpreter. If you fail to inform Probate Administration, you must call the judicial officer's staff at least **48 hours** before the hearing date.

STEP 3 Documents to take to the Court Hearing:

A. LETTERS OF APPOINTMENT AND ACCEPTANCE OF LETTERS OF

APPOINTMENT: These documents will be filed if the Judge/Commissioner grants the guardianship. Make at least **2 copies** of these documents.

- ORDER OF APPOINTMENT;
- THE ORDER TO GUARDIANS;
- THE LETTERS OF APPOINTMENT; **AND**
- THE ACCEPTANCE OF LETTERS OF APPOINTMENT

Be prepared to testify at the court hearing about why you think the guardianship is needed. Bring any witnesses you think will help you to testify as well. In addition, bring a copy of **everything** you filed with the Clerk of the Court.

B. AFTER THE HEARING: After the Judge/Commissioner signs the guardianship papers, take the **original** Order to the Probate Filing Counter. Ask the Clerk to issue the LETTERS OF APPOINTMENT.

C. OTHER HELP: If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under "attorneys." Also, the Self-Service Center has a list of lawyers who will help you help yourself. The list shows where the lawyers are located, how much they charge to look over the court papers or answer your questions, and what their experience is.

**ALL FORMS REFERRED TO IN THESE INSTRUCTIONS
ARE AVAILABLE AT THE SELF SERVICE CENTER**